

Listing of the Claims

This listing of the claims will replace all prior versions, and listings, of claims in the Application:

1. (Currently Amended) A receptacle comprising:

a base having an inner cavity and a removable liner received within the cavity of the base;

an elongate member comprising a first end and a second end and coupled to the base at the second end and further comprising:

wherein the end portion further comprises:

an inner channel;

a slot provided on a side of the first end portion; and

a closed top;

wherein the elongate member is configured to be removably coupled to the base so that the liner may be removed from within the cavity of the base by removing the elongate member from the base a passage having an end portion, the passage in communication with the base;

wherein a substantial portion of the elongate member comprises a relatively small cross-section as compared to a cross-section of a substantial portion of the base.

2. (Currently Amended) The receptacle of Claim 1[[],] wherein the slot is configured to receive cigarettes.

3. (Currently Amended) The receptacle of Claim 2[[],] wherein the slot has a width of less than one half inch.

4. (Currently Amended) The receptacle of Claim 3[[],] wherein the slot has a length of less than two and one half inches.

5. (Currently Amended) The receptacle of Claim 1[[],] wherein the slot has a width of at least one quarter inch.

6. (Currently Amended) The receptacle of Claim 1[[],] wherein the slot is configured to receive cigars.

7. (Currently Amended) A collection device for disposal of combustible debris receptacle comprising:

~~a base having an upper portion and a lower portion, wherein the upper portion has at least a first width, and the lower portion has at least a second width, and wherein the second width is substantially equal to or wider than the first width;~~

a liner received within the base for easy removal and emptying;

an upper portion releasably mounted to the base, wherein the upper portion includes a side wall and a first open end that communicates with the base to a second closed end vertically spaced from the base, wherein the upper portion further includes an internal passage; and

a slot formed in the side wall of the upper portion, and communicates with the internal passage

a passage having an end portion, the passage in communication with the base;

~~wherein the end portion further comprises: a slot provided on a side of the end portion; and a closed top.~~

8. (Canceled)

9. (Canceled)

10. (Currently Amended) A collection device for disposal of combustible debris receptacle comprising:

a base receptacle chamber;

an upper portion mounted to the base;

wherein the upper portion includes an internal passage extending from an open first end that communicates with the base to a closed second end vertically spaced from the base, the upper portion including a side wall and having at least one aperture formed in the side wall, the aperture communicating with the internal passage adjacent the closed end of the internal passage; and

wherein the closed second end of the upper portion comprises a cap member having a throat passage extension and a shield member; and

wherein the aperture is a first slot

a passage having an end portion, the passage in communication with the receptacle chamber;

wherein the end portion further comprises: a slot provided on a side of the end portion; and a closed top.

11. (Currently Amended) The receptacle of Claim 10[[],] wherein the first slot is provided in a vertical orientation.

12. (Canceled)

13. (Currently Amended) The receptacle of Claim 10[[],] wherein the first slot is sized to receive cigarettes.

14. (Currently Amended) The receptacle of Claim 10[[],] wherein the first slot has a length of less than two and one half inches and a width of less than one half inch.

15. (Canceled)

16. (Canceled)

17. (Canceled)
18. (Canceled)
19. (Currently Amended) The receptacle of Claim 10[[],] wherein the first slot is a rectangular slot.

20. (Currently Amended) The receptacle of Claim 19[[],] wherein the rectangular slot comprises rounded ends.

21. (New) The receptacle of Claim 1 wherein the base and the elongate member are formed from polyethylene.

22. (New) The collection device of Claim 7 wherein the second closed end of the upper portion comprises a cap member having a throat passage extension.

23. (New) The collection device of Claim 22 wherein the slot is provided in the throat passage extension of the cap member.

24. (New) The collection device of Claim 7 wherein the upper portion further comprises a throat passage extension that is enlarged relative to the internal passage adjacent the closed end of the upper portion.

25. (New) The collection device of Claim 7 wherein the base comprises:
a closed lower end;
an open upper end which engages and releasably mounts to the open end of the upper portion; and

a side wall defining a cavity within which the liner is received.

26. (New) The collection device of Claim 7 wherein the liner comprises a bucket formed from a non-combustible material.

27. (New) The collection device of Claim 26 wherein the bucket is made from galvanized steel.

28. (New) The collection device of Claim 7 wherein the passage and base are made from steel.

29. (New) The receptacle of Claim 7 wherein the slot has a width generally corresponding to a diameter of a cigarette.

30. (New) The receptacle of Claim 7 wherein the slot has a width generally corresponding to a diameter of a cigar.

31. (New) The receptacle of Claim 7 wherein the upper portion and the base are made from polyethylene.

32. (New) The collection device of Claim 10 wherein the throat passage extension is formed from the side wall.

33. (New) The collection device of Claim 32 wherein the first slot comprises a slot formed in the throat passage extension.

34. (New) The collection device of Claim 10 wherein the upper portion is configured so that debris is passable through the first slot, through the throat passage extension, through the internal passage to the base.

35. (New) The collection device of Claim 10 wherein the throat passage extension comprises opposed substantially parallel walls.

36. (New) The collection device of Claim 10 wherein the cap member includes an enlarged section.

37. (New) The collection device of Claim 36 wherein the enlarged section of the cap member comprises an enlarged passage of the throat passage extension.

38. (New) The collection device of Claim 10 wherein the throat passage extension provides an enlarged passage.

39. (New) The collection device of Claim 10 further comprising a liner received within the base.

40. (New) The collection device of Claim 39 wherein the liner comprises a bucket formed from a non-combustible material.

41. (New) The collection device of Claim 10 wherein the upper portion is releasably mounted to the base.

42. (New) The collection device of Claim 10 further comprising means for selectively attaching the upper portion to the base.

43. (New) The receptacle of Claim 10 wherein the upper portion further comprises a second slot spaced apart from the first slot formed in the side of the wall.

44. (New) The receptacle of Claim 10 wherein the upper portion and the base are made from polyethylene.

45. (New) The receptacle of Claim 10 wherein the upper portion has a generally constant cross-section along a substantial portion of its length.

* * *

The Applicant submits that the appropriate corrections have been made to the Reply and Amendment filed May 7, 2004 in response to the Notice of Non-Complaint Amendment, and the Application is now in condition for allowance. Favorable reconsideration of the Application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this Application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 7/6/04

By Scott

FOLEY & LARDNER LLP
Suite 3800
777 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-5306
Telephone: (414) 297-5872
Facsimile: (414) 297-4900

Scott M. Day
Attorney for Applicants
Registration No. 52,801